In the High Court of Judicature at Madras

Dated : 27.11.2007

Coram :

The Honourable Mr.Justice K.RAVIRAJA PANDIAN
and
The Honourable Mrs.Justice CHITRA VENKATARAMAN

C.M.A. Nos.2166 and 2167 of 2007
and M.P.Nos.1 and 1 of 2007

R.Ravichandran .. Appellant in both / Petitioner

Vs

Gayathiri .. Respondent in both / Respondent

Appeals filed against the order dated 6.6.2007 made in I.A.Nos.1433 and 1434 of 2006 in O.P.No.315 of 2006 on the file of the II Additional Family Court at Chennai.

For Appellant : Mr.Vibishnan
for Mr.K.Balakrishnan

For Respondent: Mrs.V.Uma Shankari

JUDGMENT

(Judgment of the Court was delivered by K.RAVIRAJA PANDIAN,J)

The appeals are filed under Section 19 of the Family courts Act, 1984 against the orders passed in I.A.Nos.1433 and 1434 of 2006 in O.P.No.315 of 2006 .

2. The appellant herein filed O.P.No.315 of 2006 before the Second Additional Family Court, Chennai seeking for the relief of a decree of divorce dissolving the marriage between the appellant and the respondent under Section 13(1) (ia) of the Hindu Marriage Act 1955. Pending the O.P., the respondent wife filed two applications one in I.A.No. 1433 of 2006 claiming a sum of Rs. 15,000/- per month towards litigation expenses and another application in I.A.No.1434 of 2006 claiming a sum of Rs. 10,000 /- towards interim maintenance. The II Additional Family Court by its order dated 6th June 2007 granted Rs.5,000/- towards litigation expenses and Rs.1,500/- as interim maintenance . As

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against the orders passed by the Family Court, the appellant/ husband has filed the present appeals.

3. When the matter is pending before this Court, the parties appeared and ultimately they have entered into compromise between themselves by parting their marital tie and given consent for dissolving the marriage between the petitioner and the respondent. To that extent, they have also filed a compromise memo before this Court in S.R.No. 93125 .

4. Learned counsel on either side argued and prayed for that the compromise memo may be recorded and a decree of divorce may be granted, even by this Court without relegating the parties to the Family Court, where the O.P. is pending. They further submitted that the technicalities need not be relied in this case though the appeals have been filed against the orders passed in the interim applications claiming litigation expenses and interim alimony. When the parties are ready and willing to have a decree of divorce that decree could be ordered in this case by recording the compromise memo filed by them.

5. We heard the arguments of the learned counsel on either side and perused the materials on record.

6. The procedural law has been framed only for the purpose of furthering the cause of litigation giving a clean way for the ultimate ends of justice. Hence the parties are seeking their ends of justice before this Court. We are of the view that we need not relegate the parties to the Family Court and the relief can be granted by this court by recording the compromise memo filed by the parties in these appeals. In the compromise memo it is stated that the appellant had paid a sum of Rs.1,00,000/- (Rupees One lakh only) to the respondent towards her permanent alimony as full and final settlement by way of cash and the respondent also received the same today. The appellant / petitioner and the respondent have each already delivered all their belongings to the respondent and the appellant respectively. There is no further claim from each appellant and the respondent relating to the maintenance, return of articles, right of property, etc., at present and in future. After stating so, the parties have prayed for granting an order of divorce on mutual consent by dissolving the marriage between the petitioner and the respondent dated 21.4.2003 held at Leezha Eeral Kammavaz Thirumana Mandapam, Perambur, Chennai 11. The parties are present before this Court and they have also conveyed their willingness to their counsel .

7. Having regard to the submission made by the learned counsel on either side and having regard to the compromise memo filed before this Court, we are of the view that the decree of

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divorce can be granted by this Court by recording the compromise memo. Accordingly, the compromise memo is recorded and there will be a decree of divorce as prayed for in the compromise memo filed before this court. The II Additional Family Court, where the O. P is pending is directed to record the order passed by this Court in these appeals and close the O.P. The compromise memo shall form part of the decree. The appeals are disposed of accordingly. Consequently, the connected M.Ps. are closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

krr/

To

The II Additional Family Court,
Chennai.

1 cc to Ms. V. Uma shankari, Advocate, Sr. 70461
4 ccs to Mr.K. Balakrishnan, Advocate, SR. 70499

C.M.A. Nos.2166 and 2167 of 2007

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